IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 1960 OF 2007

Kersee Minubhai Gaurd. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

P.K.Dhakephalkar, senior counsel with
J.G.Reddy for the applicant.

U.V.Nikam, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 7th August 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant, who is accused No.18, is seeking bail in connection with C.R.No.I-101/2006 registered with Wagle Estate Police Station for the offences punishable under sections 465, 467, 468, 471, 474, 419, 420, 114 and 409 of Indian Penal Code.

3. The nature of offence alleged is forgery. The applicant is arrested on 7th May, 2007. Chargesheet

has been filed subsequent to the investigation. The applicant had applied for bail before the Sessions Court being Bail Application No.766/2007 which came to be rejected vide order dated 7th June, 2007.

4. Having heard rival parties, the only allegation against the applicant is that he is retired Manager of Bank of Baroda and that he was advising accused Nos.1 and 3 in committing the said offence. In the F.I.R. the name of applicant is not implicated. However, his name is sought to be implicated in the supplementary statement given by Mr.Ramesh Rangnath Kulkarni, the owner of Kaivalya Computer Institute. Barring the aforesaid statement, *prima facie*; there is no other material against the applicant so as to implicate him in the alleged offence. In these circumstances of the case, I am inclined to grant bail in favour of the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with C.R.No.I-101/2006 registered with the Wagle Estate Police Station, Thane shall be enlarged on bail in the sum of Rs.50,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to Wagle

Estate Police Station once in a week, i.e. on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The applicant shall deposit his pass port, if any, forthwith with Wagle Estate Police Station. Deposit of pass port is condition precedent.

(d) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(e) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(f) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(g) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE